

MOTION

BY

MR. BAYARD,

*To rescind a resolution of the Senate, passed the 16th January, 1837.*

AUGUST 31, 1842.

Submitted, and ordered to be printed.

Whereas the Senate of the United States, in the exercise of its functions as a deliberative assembly, did, on the 28th day of March, 1834, adopt the following resolution :

“ *Resolved*, That the President, in the late Executive proceedings in relation to the revenue, has assumed upon himself authority and power not conferred by the Constitution and Laws, but in derogation of both :”

And whereas afterward, to wit, on the 16th day of January, 1837, the Senate, in reference to the above resolution, adopted another as follows :

“ *Resolved*, That the said resolve be expunged from the Journal : and for that purpose, that the Secretary of the Senate, at such time as the Senate may appoint, shall bring the manuscript Journal of the session of 1833-’4 into the Senate, and, in the presence of the Senate, draw black lines round the said resolve, and write across the face thereof, in strong letters, the words following : Expunged by order of the Senate, this 16th day of January, in the year of our Lord 1837 :”

And whereas the Constitution of the United States expressly requires that each House of Congress shall keep a journal of its proceedings, meaning thereby to preserve a faithful and permanent record of those proceedings :

And whereas the Senate of the United States, independently of its legislative, executive, and judicial functions, has the inherent right, as a deliberative assembly, to express its opinions, which can be done only by resolution— which opinions, when thus expressed, become part of its proceedings, of which the Constitution provides that a permanent record shall be kept :

And whereas the resolution of the 16th of January, 1837, and the act of the Secretary of the Senate in compliance with it, in legal contemplation destroyed, and in fact defaced the record of the proceeding to which it refers : wherefore,

*Resolved*, That the resolution of the 16th of January, 1837, commonly called the expunging resolution, be, and the same is hereby, rescinded, and shall be for ever hereafter held as naught ; and that in all future publications of that portion of the Journal which contains the resolution of 1833-’4, and in all copies which may hereafter be made of the same for any official or legal purpose, the said resolution of 1833-’4 shall be published and copied as it was originally entered on the said Journal, without any notice whatever of the superscription which was erroneously made, in pursuance of the resolution of the 16th of January, 1837.

